THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

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AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION No.1682 OF 1996

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Between:

P.Venu Gopal Reddy & another. ….Petitioners.

AND

The Govt. of Andhra Pradesh
Revenue (Endowments) Department, rep. by its
Principal Secretary,
Secretariat, Hyderabad & others. …Respondents.

ORAL ORDER: (per Hon'ble Sri Bilal Nazki, the Acting Chief Justice)

Nobody appeared for the petitioners when the case was called. We have gone through the file.

G.O.Ms.No.456, Revenue (Endowments—II) Department, dated 29-9-1995 has been challenged in the writ petition. We are not sure whether this G.O. is still operative. This G.O. has been challenged only on the ground that it violates the provisions of the Land Acquisition Act and the A.P. Charitable and Hindu Religious Institutions

and Endowments Act. The said G.O. is purported to have been issued in order to streamline the acquisition by the Government of the lands belonging to charitable institutions. The following guidelines have been laid down in paragraph 4 of the G.O.

i. In the first instance, the District Collectors concerned shall identify the endowment lands within their jurisdiction suitable for the purpose of providing house sites to the members of the weaker sections only when no Government or other alternate land is available in the particular area. This position has to be ensured by the District Collectors concerned.

ii. While selecting the endowment lands, care should be taken to see that the small tenants are not adversely affected. The Collectors are also advised to ensure that prime and valuable lands and such other lands which are required by the Endowment Institutions for their own use are not identified for acquisition.

iii. The Government hereby constitute the following committee of officers to decide the market value for the identified endowment lands for acquisition under Land Acquisition Act:-

1. Commissioner, Land Revenue.
2. Commissioner, Endowments.
3. Commissioner, Social Welfare.

None of these guidelines violates any provision of either Endowments Act or Wakf Act or Land Acquisition Act. In fact, these guidelines have been framed in order to protect the properties belonging to the charitable institutions and also to protect the interests of small tenants.

The writ petition has no merit and is accordingly dismissed. No costs.

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(BILAL NAZKI, ACJ)

15th September 2005.

(R.SUBHASH REDDY, J.)

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